



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,616	02/12/2001	Mark C. Pace	19538-05563	9755

758 7590 05/23/2002

FENWICK & WEST LLP
TWO PALO ALTO SQUARE
PALO ALTO, CA 94306

EXAMINER

JONES, SCOTT E

ART UNIT	PAPER NUMBER
3713	

DATE MAILED: 05/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/782,616	PACE ET AL.
	Examiner	Art Unit
	Scott E. Jones	3713

The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.

- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.

- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.

- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on February 12, 2001.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-71 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-50,52-54,64 and 66-71 is/are rejected.

7) Claim(s) 51,55-63 and 65 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u> .	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-44, 50, 64, and 66-71 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 1 recites the limitation "the communication devices" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claims 2-22 inherit the deficiencies of Claim 1 by dependency.

4. Claim 1 recites the limitation "the service attendants" in line 10. There is insufficient antecedent basis for this limitation in the claim. Additionally, a service attendant (singular) is referred to earlier in the claim.

Claims 2-22 inherit the deficiencies of Claim 1 by dependency.

5. Claim 1 recites the limitation "the messages" in line 10. There is insufficient antecedent basis for this limitation in the claim. Additionally, a message (singular) is referred to earlier in the claim.

Claims 2-22 inherit the deficiencies of Claim 1 by dependency.

6. Claim 3 recites the limitation "the slot management system" in line 2. There is insufficient antecedent basis for this limitation in the claim.

7. Regarding Claim 4, the language ,”...the message receivers are two-way message receivers.” is confusing. Is the applicant trying to claim a two-way communications transceiver that can transmit and receive messages?

Claims 5 and 6 inherit the deficiency of Claim 4.

8. Claim 23 recites the limitation "the service attendants" in line 11. There is insufficient antecedent basis for this limitation in the claim.

Claims 24-44 inherit the deficiency of Claim 23 by dependency.

9. Claim 25 recites the limitation "the slot management system" in line 2. There is insufficient antecedent basis for this limitation in the claim.

10. Claim 50 recites the limitation "the time" in line 2. There is insufficient antecedent basis for this limitation in the claim.

11. Claim 64 recites the limitation "the primary service attendant" in line 2. There is insufficient antecedent basis for this limitation in the claim.

12. Claim 66 recites the limitation "the measure" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 67 inherits the deficiency of Claim 66.

13. Claim 68 recites the limitation "the service location" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claims 69 and 70 inherit the deficiency of Claim 68.

14. Claim 68 recites the limitation "the selected service attendant" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claims 69 and 70 inherit the deficiency of Claim 68.

15. The items noted hereinabove are not an exhaustive list of deficiencies with the claims. Applicant should review the entire specification, including the claims, and submit corrections for all informalities.

Claim Rejections - 35 USC § 102

16. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

17. Claims 1, 4-9, 23, 26-31, 45-50, 52-54, 68-69, and 71 rejected under 35 U.S.C. 102(b) as being anticipated by Patterson, Jr. et al.

Patterson, Jr. et al. (U.S. 5,774,877) discloses a two-way wireless system and method for brokers to schedule and service financial industry transactions. Patterson, Jr. et al. additionally discloses:

Regarding Claims 1, 23, 45-46, 49, 68, and 71:

- a decision determining system coupled to communication devices that receive requests for service, a set of rules are used to schedule the service requests, and the decision determining system selects an attendant (Broker) to service the request (Abstract, Figures 14-18, and Column 6, line 31-Column 7, line 43);
- a communication system coupled to the decision determining system to transmit a message to the attendant (Broker) selected to service the request (Abstract, Figures 14-18, Column 6, line 31-Column 7, line 43, Column 8, line 15-Column 11, line 40);

- a plurality of message receivers used by the service attendants (Brokers) to receive the messages from the communication system (Column 15, lines 35-40).

Regarding Claims 4 and 26:

- the communication system is a two-way messaging system and the message receivers are two-way message transceivers (Abstract, Figures 14-18, and Column 6, line 31-Column 7, line 43).

Regarding Claims 5, 27 and 47:

- the primary service attendant (Broker) can accept or decline to service an event using the two-way message receiver, and wherein: in response to the primary service attendant (Broker) declining to service an event (not acknowledging request), the decision system selects a secondary service attendant (Broker) for servicing the event, and transmits a message to the secondary service attendant (Abstract, Figures 14-18, Column 6, line 31-Column 7, line 43, Column 8, line 15-Column 11, line 40).

Regarding Claims 6, 28 and 48:

- in response to the primary service attendant accepting to service a request, the decision determining system establishes the primary service attendant as being unavailable to service another event until the request is completed (Abstract, Figures 14-18, Column 6, line 31-Column 7, line 43, Column 8, line 15-Column 11, line 40).

Regarding Claims 7, 8, 29, 30, 50, 52, 53, and 69:

- the decision determining system monitors the time (456) taken to service an event (Figures 9 and 10).

Regarding Claims 9, 31, and 54:

- the rules of the decision determining system for scheduling events includes at least one rule for scheduling events according to a type of event. Quotes (716a) and Orders (716b) (type of event) are scheduled according to at least one rule (Figure 14).

Allowable Subject Matter

18. Claims 51, 55-63, and 65 are objected to as being dependent upon a rejected base claim, but may possibly be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hogan '671, Boushy '647, Raven et al. '361, Rassman et al. '743, and Pitrak-Player Tracking System disclose customer tracking and communication systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (703) 308-7133. The examiner can normally be reached on Monday - Friday, 8:30 A.M. - 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (703) 308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Application/Control Number: 09/782,616
Art Unit: 3713

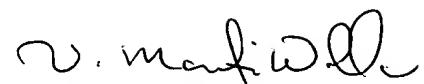
Page 7

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

Scott E. Jones
Examiner
Art Unit 3713

SEJ

sej
May 16, 2002



VALENCIA MARTIN-WALLACE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700